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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/510,031	12/09/2004	Yuko Tachibana	Q83945	4662

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EXAMINER

MAYO III, WILLIAM H

ART UNIT	PAPER NUMBER
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2831

DATE MAILED: 09/15/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action  
Before the Filing of an Appeal Brief**

Application No.

10/510,031

Applicant(s)

TACHIBANA ET AL.

Examiner

William H. Mayo III

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**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

THE REPLY FILED 01 September 2006 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.  
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**NOTICE OF APPEAL**

2. ☐ The Notice of Appeal was filed on \_\_\_\_\_. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

**AMENDMENTS**

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because  
(a) ☒ They raise new issues that would require further consideration and/or search (see NOTE below);  
(b) ☐ They raise the issue of new matter (see NOTE below);  
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: See Continuation Sheet. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).  
5. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.  
6. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).  
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.  
The status of the claim(s) is (or will be) as follows:  
Claim(s) allowed: \_\_\_\_\_.  
Claim(s) objected to: \_\_\_\_\_.  
Claim(s) rejected: 1,4 and 7-21.  
Claim(s) withdrawn from consideration: \_\_\_\_\_.

**AFFIDAVIT OR OTHER EVIDENCE**

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).  
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).  
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

**REQUEST FOR RECONSIDERATION/OTHER**

11. ☐ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: \_\_\_\_\_.  
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). \_\_\_\_\_.  
13. ☒ Other: see attached sheet for rebuttal of arguments.

William H. Mayo III  
Primary Examiner  
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Continuation of 3. NOTE: While the claim 4 limitations with respect to claim 1 has been previously considered, the newly submitted claim 1 raises new issues because claims 18-19 have not been considered with respect to claim 4, which is now incorporated in the newly submitted claim 1, and therefore would require further search and consideration.

***Response to Arguments***

1. Applicant's arguments filed March 23, 2006 have been fully considered but they are not persuasive. Specifically, the applicant argues the following as they may apply to the rejection of the dependent claims:

- A) Asakura doesn't teach or disclose a part of the conductor being flat when in contact with the contacts and electrodes but rather a circular cross section and therefore doesn't anticipate or render the claims obvious.
- B) The electrodes of Asakura are not capable of welding a plurality of groupings of conductors and contacts at the same time.

With respect to argument A, the examiner respectfully traverses. As stated previously, Asakura clearly discloses that the connecting terminal and the conductor are crimped the same as described in the prior art. Specifically, Asakura states in Column 4, lines 10-16

"As shown in Fig 2, a core portion 3a of the electric wire 3 is crimped into a caulking portion 2a of the connecting terminal 2 before resistive welding by both electrodes 6, 7. This crimping method is the same as described in connection with the prior art. Specifically, for example, by using the pressurized tool 107 in the apparatus shown in Figs 5-7, the core wire portion 3a of the electric wire 3 is crimped into the caulking portion 2a of the connecting terminal 2."

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While the examiner believes that Figure 2 of Asakura clearly discloses the conductors being flat after compression, clearly Figures 5-7 show that the round conductors of the prior art are compressed thereby causing them to become flatten as shown in Figures 6-7. As a matter of fact, the cross section of the conductors shown in Figures 6-7 is in a more flatten state than that as illustrated by the applicant in Figures 8 & 12. Asakura clearly teaches that the conductors are crimped as shown in the prior art and therefore the conductors of Asakura are in a flatten state. MPEP 608 teaches that drawings must be evaluated for what they reasonably disclose. Specifically, it has been held that the drawings must be evaluated for what they reasonably disclose and suggest to one of ordinary skill in the art. *In re Aslanian*, 590 F. 2d 911, 200 USPQ 500 (CCPA 1979). In light of the above comments, the examiner respectfully submits that the 35 USC 102(b) rejection is proper and just.

With respect to argument B, the examiner respectfully traverses. Clearly, Asakura discloses a crimping terminal (2) comprising a plurality of contacts (left and right contacts 2a) and an end (3a) of the conductor (3) comprising a plurality of single conductors (i.e. strands of conductors) that are grouped (left half of strands and right half of strands), wherein a pair of electrodes (8 & 9) are moved in a position to enable the contacts (left and right 2a) to be welded and pressured (Col 4, lines 45-62) around the grouping of conductors (left and right halves of strands). Specifically, a plurality of contacts (left and right 2a) surround a plurality of groupings of conductors (left and right contacts 2a surround left and right grouping of conductor strands (3a) and are resistive welded by a plurality of electrodes (8 & 9, see Figure 4 of 260' reference). While the

applicant has referred to examiner attention to Figure 4 of the claimed invention, the examiner is required to give the claims their broadest reasonable interpretation and cannot rely on the drawings for such an interpretation. Specifically, the MPEP instructs the examiner as stated below:

2111 [R-1] Claim Interpretation; Broadest Reasonable Interpretation

CLAIMS MUST BE GIVEN THEIR BROADEST REASONABLE INTERPRETATION

During patent examination, the pending claims must be "given \*>their< broadest reasonable interpretation consistent with the specification." > In re Hyatt, 211 F.3d 1367, 1372, 54 USPQ2d 1664, 1667 (Fed. Cir. 2000).< Applicant always has the opportunity to amend the claims during prosecution, and broad interpretation by the examiner reduces the possibility that the claim, once issued, will be interpreted more broadly than is justified. In re Prater, 415 F.2d 1393, 1404-05, 162 USPQ 541, 550-51 (CCPA 1969) (Claim 9 was directed to a process of analyzing data generated by mass spectrographic analysis of a gas. The process comprised selecting the data to be analyzed by subjecting the data to a mathematical manipulation. The examiner made rejections under 35 U.S.C. 101 and 102. In the 35 U.S.C. 102 rejection, the examiner explained that the claim was anticipated by a mental process augmented by pencil and paper markings. The court agreed that the claim was not limited to using a machine to carry out the process since the claim did not explicitly set forth the machine. The court explained that "reading a claim in light of the specification, to thereby interpret limitations explicitly recited in the claim, is a quite different thing from reading limitations of the specification into a claim,' to thereby narrow the scope of the claim by implicitly adding disclosed limitations which have no express basis in the claim." The court found that applicant was advocating the latter, i.e., the impermissible importation of subject matter from the specification into the claim.). See also In re Morris, 127 F.3d 1048, 1054-55, 44 USPQ2d 1023, 1027-28 (Fed. Cir. 1997) (The court held that the PTO is not

required, in the course of prosecution, to interpret claims in applications in the same manner as a court would interpret claims in an infringement suit. Rather, the "PTO applies to verbiage of the proposed claims the broadest reasonable meaning of the words in their ordinary usage as they would be understood by one of ordinary skill in the art, taking into account whatever enlightenment by way of definitions or otherwise that may be afforded by the written description contained in applicant's specification.").

Given the above guidelines, the examiner respectfully submits that the 35 USC 102(b) rejection is proper and just. If the applicant intends to claim the structure of Figure 4, then he/she should recite specific structure of the Figure to overcome the interpretation of Figure 4 of Asakura.

### ***Communication***

2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to William H. Mayo III whose telephone number is (571)-272-1978. The examiner can normally be reached on M-F 8:30am-6:00 pm (alternate Fridays off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dean Reichard can be reached on (571) 272-2800 ext 31. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



William H. Mayo III  
Primary Examiner  
Art Unit 2831

WHM III  
September 12, 2006